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SETH GOTTFRIED

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF PENNSYLVANIA  
HARRISBURG DIVISION**

SETH GOTTFRIED,

Plaintiff,

v.

PROJECT REPUBLIC TODAY, LLC;  
and DOES 1 through 10 inclusive,

Defendant.

Case No. \_\_\_\_\_

**COMPLAINT FOR DAMAGES AND  
INJUNCTIVE RELIEF**

**DEMAND FOR A JURY TRIAL**

Plaintiff Seth Gottfried alleges as follows:

**JURISDICTION AND VENUE**

1. This is a civil action seeking damages and injunctive relief for copyright infringement under the Copyright Act of the United States 17 U.S.C.

§ 101 *et seq.*

2. This Court has subject matter jurisdiction over Plaintiff's claims for copyright infringement pursuant to 28 U.S.C. § 1331 and 28 U.S.C. § 1338(a).

3. This Court has personal jurisdiction over Defendant because Defendant conducts business and/or resides within the Commonwealth of Pennsylvania, Defendant's acts of infringement complained of herein occurred in Pennsylvania, and Defendant caused injury to Plaintiff within Pennsylvania.

4. Venue in this judicial district is proper under 28 U.S.C. § 1391(c) and 1400(a) in that this is the judicial district in which a substantial part of the acts and omissions giving rise to the claims occurred. Alternatively, venue is also proper pursuant to 28 U.S.C. § 1400(b) because the Defendant resides and has a regular and established place of business in this judicial district.

### **PARTIES**

5. Plaintiff Seth Gottfried ("Plaintiff" or "Gottfried") is an individual and professional photographer residing in the State of New York.

6. Defendant Project Republic Today, LLC or Project Republic Today News Network, LLC ("Defendant" or "Project Republic Today") is a Pennsylvania limited liability corporation with a principle place of business at: 7 Lenox Court, Mechanicsburg, PA 17050 in Cumberland County.

7. On information and belief, Defendant is the owner and operator of the

website, <http://www.projectrepublictoday.com/> (“Defendant’s Website”), which Defendant uses to generate advertising revenue by posting content to drive user traffic.

8. Plaintiff is unaware of the true names and capacities of the Defendants sued herein as DOES 1 through 10, inclusive, and for that reason, sues such Defendants under such fictitious names. Plaintiff is informed and believes and on that basis alleges that such fictitiously named Defendants are responsible in some manner for the occurrences herein alleged, and that Plaintiff’s damages as herein alleged were proximately caused by the conduct of said Defendants. Plaintiff will seek to amend the complaint when the names and capacities of such fictitiously named Defendants are ascertained. As alleged herein, “Defendant” shall mean all named Defendants and all fictitiously named Defendants.

9. For the purposes of this Complaint, unless otherwise indicated, “Defendants” includes all agents, employees, officers, members, directors, heirs, successors, assigns, principals, trustees, sureties, subrogates, representatives and insurers of Defendants named in this caption.

### **FACTUAL ALLEGATIONS**

10. Seth Gottfried is a professional photographer by trade.

11. Gottfried is the sole owner and author of a photograph of a suicide note (“the Image”). A true and correct copy of Gottfried’s Image is attached hereto

as Exhibit A.

12. Gottfried registered the Image with the United States Copyright Office on October 26, 2017 under Registration Number VA 2-073-887.

13. Plaintiff originally licensed the Image to the New York Post, and it was featured in an article titled *Couple caught in 'financial spiral' jump to their deaths*, posted July 28, 2017 (“Post Article”). The Post Article included attribution to Plaintiff just underneath the featured Image. A true and correct copy of the Post Article is attached hereto as Exhibit B.

14. Defendant is “a for-profit, independent news outlet . . .” that “generate[s] revenue for [its] mission through advertising. Decisions about what to investigate, as well as [its] conclusions, are guided only by [its] journalists.” See <http://www.projectrepublictoday.com/about/>.

15. On or about April 9, 2018, Plaintiff discovered that Defendant was using the Image on Defendant’s Website in an article referencing the Post Article titled *Obamacare New York Couple Caught Financial Spiral Jump Deaths* also posted on July 28, 2017 (“the Infringing Article”). A true and correct copy of the Infringing Article is attached hereto as Exhibit C.

16. Plaintiff has no record of issuing a license to Defendant or otherwise granting permission for Defendant to use the Image.

17. On information and belief, Defendant knew that he did not possess

any rights in the Image and that use of the Image was unauthorized.

18. On information and belief, Defendant's use of the Image was deliberate and willful.

**FIRST CAUSE OF ACTION**  
**COPYRIGHT INFRINGEMENT**  
**17 U.S.C. § 101 *et seq.***

19. Plaintiff incorporates by reference all of the above paragraphs of this Complaint as though fully stated herein.

20. Plaintiff did not consent to, authorize, permit, or allow in any manner the said use of Plaintiff's unique and original Image.

21. Plaintiff is informed and believes and thereon alleges that said Defendants willfully infringed upon Plaintiff's copyrighted Image in violation of Title 17 of the U.S. Code, in that it used, published communicated, benefited through, posted, publicized, and otherwise held out to the public for commercial benefit, the original and unique Image of the Plaintiff without Plaintiff's consent by using it in the Infringing Article on Defendant's Website.

22. As a result of each and every Defendants' violations of Title 17 of the U.S. Code, Plaintiff is entitled to actual damages and profits pursuant to 17 U.S.C. §504(b), or statutory damages in an amount up to \$150,000.00 for each infringement pursuant to 17 U.S.C. § 504(c).

23. As a result of the Defendants' violations of Title 17 of the U.S. Code,

the court in its discretion may allow the recovery of full costs as well as reasonable attorney's fees and costs pursuant to 17 U.S.C § 505 from Defendants.

24. Plaintiff is also entitled to injunctive relief to prevent or restrain infringement of his copyright pursuant to 17 U.S.C. § 502.

**SECOND CAUSE OF ACTION**  
**FALSIFICATION, REMOVAL, AND ALTERATION OF COPYRIGHT**  
**MANAGEMENT INFORMATION**  
**17 U.S.C. § 1202**

25. Plaintiff incorporates by reference all of the above paragraphs of this Complaint as though fully stated herein.

26. On information and belief, Defendant knew that Plaintiff created the Images because, *inter alia*, the source of the Images that Defendant used to make the infringing copy, the Post Article, specifically attributed the Image to Plaintiff.

27. Defendant intentionally falsified copyright management information related to the Images with the intent to induce, enable, facilitate, or conceal an infringement of Plaintiff's rights under the Copyright Act. Specifically, Defendant purposefully failed to credit Plaintiff in order to mislead the public into believing that Defendant either owned the Images or had legitimately licensed it for use in the Infringing Articles.

28. Defendant's conduct constitutes a violation of 17 U.S.C. § 1202(a) and 1202(b).

29. Defendant's falsification, removal, and/or alteration of that copyright

management information was done without Plaintiff's knowledge or authorization.

30. Defendant's falsification of said copyright management information was done by Defendant intentionally, knowingly, and with the intent to induce, enable, facilitate, or conceal Defendant's infringement of Plaintiff's copyright in the Images. Defendant also knew, or had reason to know, that such removal and/or alteration of copyright management information would induce, enable, facilitate, or conceal Defendant's infringement of Plaintiff's copyright in the Images.

31. Plaintiff has sustained significant injury and monetary damages as a result of Defendant's wrongful acts as hereinabove alleged, and as a result of being involuntarily associated with Defendant in an amount to be proven.

32. In the alternative, Plaintiff may elect to recover statutory damages pursuant to 17 U.S.C. § 1203(c)(3) in a sum of not more than \$25,000 from Defendant for each violation of 17 U.S.C. § 1202.

### **PRAYER FOR RELIEF**

**WHEREFORE**, Plaintiff prays for judgment against Defendant as follows:

- For statutory damages against Defendant in an amount up to \$150,000.00 for each infringement pursuant to 17 U.S.C. § 504(c);
- For statutory damages against Defendant pursuant to 17 U.S.C. § 1203(c)(3) in a sum of not more than \$25,000 for each violation of 17 U.S.C. § 1202.

- For general and special damages against Defendant according to proof together with interest thereon at the maximum legal rate;
- For costs of litigation and reasonable attorney's fees against Defendant pursuant to 17 U.S.C. § 505;
- For an injunction preventing Defendant from further infringement of all copyrighted works of the Plaintiff pursuant to 17 U.S.C. § 502; and
- For any other relief the Court deems just and proper.

Dated: September 25, 2018

Respectfully submitted

**/s/ Saba A. Basria**

Saba A. Basria, Esq.,

Cal. Bar. #307594

(*Pro Hac Vice* pending)

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*Counsel for Plaintiff*



**DEMAND FOR A JURY TRIAL**

Plaintiff, Seth Gottfried, hereby demands a trial by jury in the above matter.

Dated: September 25, 2018

Respectfully submitted,

**/s/ Saba A. Basria**

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